IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2832 OF 1999

Ratan Gaba Teli .. Petitioner
V/s
Dist & Sessions Judge, Thane & Ors. .. Respondents
...

Mr.R.S.Apte with Mr.M.V.Limaye for the Petitioner.
Mr.C.R.Sonawane, AGP for Respondent Nos.1 to 3.
...

CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.
DATE : 13th September, 2006.

P.C.:

1. The Petitioner was initially appointed as a junior Clerk in the Court of Judicial Magistrate, First Class, at Kalyan in the year 1963 and he came to be promoted as an Assistant Superintendent and posted in the Court at Palghar on 7.9.1991. The learned Civil Judge, Junior Division, Palghar submitted the report on 28.10.1991 regarding the lapses on the part of the Petitioner in not issuing the witness summons in certain cases and therefore the Registrar of District Court, Thane, had called upon the Petitioner to explain in writing the said lapses on his part.

2. The Petitioner was issued show cause notice alongwith the articles of charges on 15.10.1992. Departmental enquiry was ordered into the said charges and the Enquiry Officer submitted his findings holding that the charges levelled against the Petitioner were proved. The Petitioner was issued a second show cause notice and he was also supplied with the copy of the

enquiry report on 21.3.1995. The discliplinary authority awarded punishment of withholding permanently three increments of the Petitioner by an order dated 3.6.1996. The Petitioner had submitted an Administrative Appeal against the said order on 9.7.1996 to the High Court and he was informed by a communication dated 26.8.1997 that his Appeal was dismissed on 12.8.1997. The order of punishment dated 3.6.1996 and the order of dismissal of an Appeal dated 12.8.1997 are impugned in this Petition filed under Article 226 of the Constitution.

3. We have noted that while deciding the Appeal of the petitioner he was not afforded an opportunity of personal hearing and that the order of dismissal of an Appeal is not a reasoned order. Similar was the challenge in Writ Petition No.4593 of 1998. Based on the Full Bench decision of this Court in the case of **Anil Amrut Atre V/s.District & Sessions Judge and Another - 2003 (2) Bom.C.R.246** and for the reasons set out in our judgment and order dated 12.9.2006 passed in the Writ Petition No.4593 of 1998, we also allow this Petition partly. We set aside the Appellate Order dated 12.8.1997 and restore the Administrative Appeal of the Petitioner dated 9.7.1996 to the file.

4. Registrar General of this Court is directed to ensure that the Petitioner’s Appeal is placed before the Appellate Authority for hearing within a period of two

months from today as per the Full Bench Judgment of this Court in the case of **Anil Amrut Atre (supra)**.

5. Rule is made absolute accordingly, however, with no order as to costs.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE, J.)**